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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/529,935

12/19/2005

Gilles Cantin

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2259

23718

7590

08/13/2008

SCHLUMBERGER OILFIELD SERVICES

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EXAMINER

HUTCHINS, CATHLEEN R

ART UNIT

PAPER NUMBER

3672

MAIL DATE

DELIVERY MODE

08/13/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/529,935

Applicant(s)

CANTIN ET AL.

Examiner

CATHLEEN R. HUTCHINS

Art Unit

3672

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-19 and 21-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24 is/are allowed.
- 6) ☒ Claim(s) 12-16, 18, 19, 21-23 and 25 is/are rejected.
- 7) ☒ Claim(s) 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claim 20 is objected to because of the following informalities: the claim is incorrectly designated as "Withdrawn". This claim should be designated as "Cancelled" and will be treated as such. Appropriate correction is required.

Claim 19 is objected to because of the following informalities: all elements need to be positively recited. Line 2 recites "... to a shape of the through orifice in which it...". It is assumed applicant intended to recite the inner stiffener as "it". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12, 13, 16, 18, 19, 21-23, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Malone, US6328112.

Malone teaches a device for controlling flow through a production tube in a well, comprising: a portion of tube with through orifices 102 and a protection system comprising several sets of ceramic (column 4: 49-56) add-on sectors 114 (multiple are shown in Figure 4A: 100A and 100B, and multiples sets are shown in Figure 5) assembled in a clamped arrangement Figure 6: 214 to form a protective envelope surrounding the external surface of the tube, where the add-on sectors can be disposed

around the circumference of the tube as described in column 6: 1-4 where the orifices are defined by the valve 102, the add-on sectors having an inner stiffener that is part of sector 114 and penetrates the orifice as shown in Figure 2 on 112 so that the stiffener is superposed with the add-on sector and approximately in a shape of an annular portion such as the orifice that the inner stiffener is located in, with at least one opening 102 extending through the sector and stiffener; a sliding sleeve 118 and 104 that can be controlled to adjust flow by sliding on the add-on sector 114 to close the openings in a known manner, as shown in Figures 4A-4C where different flow openings are shown; the protection system provides the device with resistance to erosion column 4: 49-52, with the clamped arrangement 214 of the add-on sectors independent of the geometric shape of the orifices 102, as shown in Figures 5 and 6.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malone, in view of Gist, US2594551.

Malone teaches all of the elements of previous claims, but does not teach fixing the add-on sectors by two clamping rings around the production tube, with the add-on sectors having upper and lower grooves for the two clamping rings. Gist teaches that it is well known in the art to clamp separate objects 6 around a production tube 5 with clamp rings 9, with grooves in the objects 8 to accommodate the rings 9. It would have been obvious to a person having ordinary skill in the art at the time of the instant invention to modify Malone in view of Gist to use clamping rings as an equivalent means of clamping the add-on sections to the clamp taught by Malone.

Response to Arguments

Applicant's arguments filed 5/27/2008 have been fully considered but they are not persuasive. Clarification of the Malone reference is given above, specifying the clamping arrangement to hold the sectors together around the circumference of the tubing.

Allowable Subject Matter

Claim 24 is allowed.

Claim 17 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CATHLEEN R. HUTCHINS whose telephone number is (571)270-3651. The examiner can normally be reached on Mon thru Thurs 7:30-5, alternate Fri 7:30-4 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David J. Bagnell/
Supervisory Patent Examiner, Art Unit 3672

/CRH/
8/7/2008